

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES LITTLE,

Plaintiff,

Case No. 05-CV-72780

vs.

HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____/

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (#17) AND DISMISSING COMPLAINT

Plaintiff James Little brings this action under 42 U.S.C. § 405(g) challenging a final decision of Defendant Commissioner of Social Security denying his application for Disability Insurance Benefits under the Social Security Act.

Plaintiff filed his complaint on July 15, 2005. As provided by 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(2), the case was assigned to Magistrate Judge R. Steven Whalen for pre-trial proceedings. On April 27, 2006, Magistrate Judge Whalen filed a Report and Recommendation that Defendant's Motion for Summary Judgment be granted and that Plaintiff's Motion for Summary Judgment be denied. The Report and Recommendation clearly stated that objections to the findings and recommendations contained therein were to be filed within ten days of service of a copy thereof. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). To date neither Plaintiff nor

Defendant have filed any objections to the Report and Recommendation. The failure to file such objections waives a party's right to further appeal. Howard v. Sec'y of Health & Human Servs., 932 F.2d 505 (6th Cir. 1991). See also United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citing Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985)).

The court has considered Plaintiff's complaint, his Motion for Summary Judgment, and the Report and Recommendation prepared by Magistrate Judge Whalen. The court is in agreement with the Report and Recommendation. In particular, the court agrees that Administrative Law Judge Douglas N. Jones' finding of October 28, 2004, that Plaintiff could perform a significant range of light exertional work is supported by substantial evidence. See 42 § 405(g); Sherrill v. Sec'y of Health & Human Servs., 757 F.2d 803, 804 (6th Cir. 1985). The court is also in agreement that Administrative Law Judge Jones complied with the requirements of Acquiescence Ruling 98-4 in arriving at his findings. Therefore, for the reasons stated in Magistrate Judge Whalen's Report and Recommendation, Plaintiff's complaint is hereby DISMISSED.

IT IS SO ORDERED.

s/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: June 6, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 6, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk